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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 October 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 15* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   It is hereby acknowledged that Claims 1 and 15 have been amended, and are

now pending in the instant application, and that Claims 2-14 and 16-21 have been

cancelled.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08

October 2008 has been entered.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Woodard et al. (US 7,032,011) (referred herein after as Woodard) in view of Boxall et al.

(US 2003/0046678) (referred herein after as Boxall) in further view of Crisan et al. (US

2003/0172372) (referred herein after as Crisan) and yet in further view of Tomoson et al. (US 6,931,523) (referred herein after as Tomoson).

Regarding Claim 1, Woodard discloses a system for automatically configuring reinstall information to a computer (second computer-based device), said system comprising:

a server (server 200) for storing (user database 206) user computers' images (settings/profiles) and their updates (col.5, lines 1-9, and 38-56) and at least one user computer (first computer-based device) having a user configuration of a user operating system and at least one application program (col.5, lines 34-35);

first means (software module (SEIM)) for storing on said server the parameters of said user configuration (col.4, lines 30-36 and col.6, lines 7-29) where said first means is stored on said computer-readable storage medium:

a set of backup non-specific copies, stored on said server dedicated to storing user computers' images and their updates, of a set of operating systems, including said user operating system, and a set of application programs, including said at least one application program (col.5, lines 40-44, col.6, lines 46-49, and col.21, lines 46-55);

means (software module (SEIM)) for accessing said back up non-specific copies of operating systems, including said user operating system, and a set of application programs, including said at least one application program (col.5, lines 40-44, col.7, lines 59-66), where said means for accessing is stored on said computer-readable storage medium; and

second means (software module (SEIM)) for restoring said user configuration by

copying said operating system, and a set of application programs, including said at least

one application program from said set of backup non-specific copies to said user

computer in accordance with the parameters of said user configuration (col.8, lines 17-

44, and col.21, lines 46-55), where said second means stored on said computer-

readable storage medium;

Woodard does not explicitly teach the step wherein, said first means for storing

said user configuration parameters further monitors and records user choices during an

installation process of installing said user configuration nor wherein the first and the

second means are being stored on a computer-readable storage medium, and/or

accessed on a computer a computer-readable storage medium.

However, Boxall in a similar field of endeavor discloses a method of installing

hardware and corresponding software further comprising the step of:

wherein, a first means (installation script 64) for storing said user configuration

parameters further monitors and records user choices during an installation process of

installing said user configuration (par [0022], [0025], [0030] and see fig.2) and wherein

the first and the second means are being stored on a computer-readable storage

medium (storage media 12), and/or accessed on a computer a computer-readable

storage medium (par [0015], [0021], [0026], and see fig.1, element 12).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings Boxall in Woodard in order to minimize the

waiting time of the installation process by being able to implement previously chosen

choices of a previously installed configuration and to be able to read and/or store the

configuration on some form of computer media. One of ordinary skill in the art at the

time the invention was made would have been motivated to combine the teachings of

Woodard and Boxall to optimize the use of the system by minimizing waiting time and

requirements for user intervention during the installation of a previously installed

configuration, and to optimize the mobility of the configuration installations on to

different systems.

The combined teachings of Woodard and Boxall do not explicitly teach wherein

said first means for storing said user configuration parameters further comprises the

step wherein said first means comprises the step of: overriding user choices according

to predetermined parameters on said user configuration.

However, Crisan in a similar field of endeavor discloses a hardware ROM

upgrade through an Internet or Intranet Service including the step wherein said first

means comprises the step of: overriding user choices according to predetermined

parameters on said user configuration (par [0031]).

It would have been obvious to one of ordinary skill in the art to utilize the

teachings of Crisan in the teachings of Woodard/Boxall to allow user interaction in the

installation of the configuration. One of ordinary skill in the art at the time the invention

was made would have been motivated to combine the teachings of

Woodard/Boxall/Crisan to give the users of the system an opportunity to have amore

authority and make selections for a particular system update and/or configuration.

Also, the combined teachings of Woodard/Boxall/Crisan do not explicitly teach the step wherein said first means further monitors and records incremental changes and modifications to said user configuration over the life time of said user configuration.

However, Tomoson in a similar field of endeavor discloses a system and method of providing a known-good configuration for a computer, comprising storing a known-good computer configuration and restoring a known-good configuration via non-interactive user input including the step wherein a first means (software) further monitors and records incremental changes and modifications to said user configuration over the life time of said user configuration (col.5, lines 46-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tomoson in the Woodard/Boxall/Crisan system in order to store a record of the change configuration information since the last full configuration of a computer. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Woodard/Boxall/Crisan/Tomoson to further conserve the storage space of the system.

In further, the combined teachings of Woodard/Boxall/Crisan/Tomoson further teach wherein said first means further migrates a current computer to a new computer (Woodard: second computer-based device, col.8, lines 17-44), based on said recorded user choices (Boxall: par [0022], [0025], [0030] and see fig.2) and said incremental changes and modifications information collected and saved (Tomoson: col.5, lines 46-54), and

said migrating, including installing the newest versions of computer programs,

utilities and vendor interfaces from the Internet or from said server dedicated to storing

user computers' images and their updates (Woodard: col.5, lines 45-47, and col.7, lines

1-4).

Regarding Claim15, Woodard teaches a means (server 200) for performing a

method for operating a system for automatically configuring reinstall information

comprising a server for storing user computers' images (settings/profiles) and their

updates (col.5, lines 1-9, and 38-56) and at least one user computer (first computer-

based device) having a user configuration of a user operating system and at least one

application program (col.5, lines 34-35), said method comprising:

storing (user database 206) on said server (server 200) the parameters of said

user configuration (col.5, lines 1-9, and 38-56);

storing a set of backup non-specific copies, stored on said server dedicated to

storing user computers' images and their updates of a set of operating systems,

including said user operating system, and a set of application programs, including said

at least one application program, accessing said copies and restoring said user

configuration by copying said operating system, and a set of application programs,

including said at least one application program from said server dedicated to storing

user computers' images and their updates to said user computer in accordance with the

parameters of said user configuration (col.5, lines 40-44, col.6, lines 46-49, and col.21,

lines 46-55).

Woodard does not explicitly teach the step wherein: said method further comprises means for monitoring and recording user choices during an installation process installing said user configuration and wherein said method is comprised on an article of manufacture comprising a computer-readable storage medium usable having computer readable program code means embodied therein.

However, Boxall in a similar field of endeavor discloses a method of installing hardware and corresponding software further comprising the step of:

wherein, said method further comprises means for monitoring and recording user choices during an installation process installing said user configuration (par [0022], [0025], [0030], and *see* fig.2) and wherein said method is comprised on an article of manufacture comprising a computer-readable storage medium usable having computer readable program code means embodied therein (par [0015], [0021], [0026], and *see* fig.1, element 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings Boxall in Woodard in order to minimize the waiting time of the installation process by being able to implement previously chosen choices of a previously installed configuration and to be able to read and/or store the configuration on some form of computer media. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Woodard and Boxall to optimize the use of the system by minimizing waiting time and requirements for user intervention during the installation of a previously installed

configuration, and to optimize the mobility of the configuration installations on to different systems.

The combined teachings of Woodard and Boxall do not explicitly teach wherein said method further comprises the step of wherein:

overriding user choices according to predetermined parameters of said user configuration.

However, Crisan in a similar field of endeavor discloses a hardware ROM upgrade through an Internet or Intranet Service including the step wherein said method comprises the step of: overriding user choices according to predetermined parameters of said user configuration (par [0031]).

It would have been obvious to one of ordinary skill in the art to utilize the teachings of Crisan in the teachings of Woodard/Boxall to allow user interaction in the installation of the configuration. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Woodard/Boxall/Crisan to give the users of the system an opportunity to have amore authority and make selections for a particular system update and/or configuration.

Also, the combined teachings of Woodard/Boxall/Crisan do not explicitly teach the step wherein said method comprises the steps of:

monitoring and recording incremental changes and modifications to said user configuration over the life time of said user configuration.

However, Tomoson in a similar field of endeavor discloses a system and method of providing a known-good configuration for a computer, comprising storing a known-

good computer configuration and restoring a known-good configuration via non-interactive user input including the step wherein a first means (software) further monitoring and recording incremental changes and modifications to said user configuration over the life time of said user configuration (col.5, lines 46-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Tomoson in the Woodard/Boxall/Crisan system in order to store a record of the change configuration information since the last full configuration of a computer. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Woodard/Boxall/Crisan/Tomoson to further conserve the storage space of the system.

In further, the combined teachings of Woodard/Boxall/Crisan/Tomoson further teach wherein said method further comprises the step of migrating a current computer to a new computer (Woodard: second computer-based device, col.8, lines 17-44), based on said recorded user choices (Boxall: par [0022], [0025], [0030] and *see* fig.2) and said incremental changes and modifications information collected and saved (Tomoson: col.5, lines 46-54), and

said migrating, including installing the newest versions of computer programs, utilities and vendor interfaces from the Internet or from said server dedicated to storing user computers' images and their updates (Woodard: col.5, lines 45-47, and col.7, lines 1-4) and overrides user choices according to predetermined parameters of said user configuration (Crisan: par [0031]).

Response to Amendments

5.   Amendments to Claims 1 and 15 in response to examiner's 35 U.S.C. 112, second paragraph rejection have been considered. The amendments obviates previously raised objection, as such this objection hereby withdrawn.

6.   Amendments to Claims 1 and 15 in response to examiner's 35 U.S.C. 101 rejection have been considered. The amendments obviates previously raised objection, as such this objection hereby withdrawn.

Response to Arguments

7.   Applicant's arguments filed 08 October 2008 have been fully considered but are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendments (i.e., amendment of claims 1 and 15: *"..and overrides user choices according to predetermined parameters of said user configuration."*) to the claims which significantly affected the scope thereof.

A)   As to Claims 1 and 15, Applicant alleges that Claims 1 and 15 as amended is not unpatentable over Woodward in view of Boxall and in further view of Tomoson do not explicitly disclose the functionalities: "wherein, said first means for storing said user configuration parameters...overrides user choices according to predetermined parameters of said user configuration

As to the above point A), the Examiner agrees in that Claims 1and 15 as amended is not anticipated by the combined teachings of Woodward in view of Boxall and in further view of Tomoson because the combined teachings of Woodward in view of Boxall and in further view of Tomoson are silent in teaching wherein, said first means for storing said user configuration parameters *"...overrides user choices according to predetermined parameters of said user configuration"*.

However, Crisan in a similar field of endeavor discloses a hardware ROM upgrade through an Internet or Intranet Service including the step wherein a first means comprises the step of: overriding user choices according to predetermined parameters on said user configuration (par [0031]).

It would have been obvious to one of ordinary skill in the art to utilize the teachings of Crisan in the teachings of Woodard/Boxall/Tomoson to allow user interaction in the installation of the configuration. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Woodard/Boxall/Crisan/Tomoson to give the users of the system an opportunity to have more authority and make selections for a particular system update and/or configuration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY MEJIA whose telephone number is (571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Mejia
Patent Examiner

/Salad Abdullahi/

Primary Examiner, Art Unit 2457